

Exhibit 35

United States of America ex rel. Ven-a-Care of the Florida Keys, Inc. v. Boehringer Ingelheim Corp. et al.

Civil Action No. 07-10248-PBS

Exhibit to the August 28, 2009 Declaration of James J. Fauci In Opposition To
Corrected Boehringer Ingelheim Corporation and Boehringer Ingelheim Pharmaceuticals, Inc.
Local Rule 56.1 Statement of Undisputed Material Facts
in Support of Their Motion For Summary Judgment

NO. GV3-03079

THE STATE OF TEXAS)	IN THE DISTRICT COURT
)	
ex rel.)	
VEN-A-CARE OF THE)	
FLORIDA KEYS, INC.,)	
Plaintiff(s),)	
)	
VS.)	TRAVIS COUNTY, TEXAS
)	
ROXANE LABORATORIES, INC.,)	
BOEHRINGER INGELHEIM)	
PHARMACEUTICALS, INC., BEN)	
VENUE LABORATORIES, INC. and)	
BOEHRINGER INGELHEIM)	
CORPORATION,)	
Defendant(s).)	201ST JUDICIAL DISTRICT

ORAL AND VIDEOTAPED DEPOSITION OF
DAWN GORDON
January 25, 2005

ORAL AND VIDEOTAPED DEPOSITION OF DAWN GORDON,
produced as a witness at the instance of the
Plaintiff(s), and duly sworn, was taken in the
above-styled and numbered cause on the 25th of
January, 2005, from 9:07 a.m. to 5:18 p.m., before
CYNTHIA VOHLKEN, CSR in and for the State of Texas,
reported by machine shorthand, at the Doubletree Club
Hotel Atlanta Airport, 3400 Norman Berry Drive,
Atlanta, Georgia, pursuant to the Texas Rules of Civil
Procedure and the provisions attached previously.

A P P E A R A N C E S

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ALSO PRESENT:

Mr. Sterling Akins
Mr. Richard Rienstra, Videographer

* - * - * - * - *

1 was a title change.

2 Q. Was it a promotion?

3 A. I suppose to some degree.

4 Q. Did your job responsibilities change?

5 A. No.

6 Q. Who was your supervisor?

7 A. I don't know the exact date, but Bob Sykora
8 did become a supervisor, my supervisor, after Jerry
9 Walsh.

10 Q. And you believe he became your supervisor at
11 the time that your title was national account director
12 in key accounts; is that correct?

13 A. I don't recall the exact time period.

14 Q. In 1997 did your title change to manager of
15 national accounts?

16 A. I don't recall the exact time that my title
17 changed. It started as national account manager and
18 then it was changed to national account director.

19 Q. And who were you supervised by when you had
20 those titles?

21 A. At first it was Jerry Walsh and then it was
22 Bob Sykora. Rich Feldman was also manager.

23 Q. What caused you to leave Roxane and go to
24 Boehringer Ingelheim Pharmaceuticals, Inc.?

25 A. For a period of time we had responsibility

1 not only for the Roxane products, but also for the
2 Boehringer Ingelheim branded products. We were still
3 technically an employee by Roxane, just had
4 responsibility for the Boehringer product line as
5 well. A decision came from management that the
6 Boehringer Ingelheim Pharmaceuticals, Inc. would have
7 its own trade relations group. So Roxane would
8 develop a trade relations group and then BI, BIPI,
9 would develop their own trade relations group, which
10 is when I went over to the BIPI side.

11 Q. When you said, "We had responsibility," who
12 were you referring to?

13 A. The other national account directors.

14 Q. That worked at Roxane Labs?

15 A. Correct.

16 Q. During what period of time did you and the
17 other national account directors at Roxane
18 Laboratories have responsibility for selling both
19 Roxane and Boehringer Ingelheim Pharmaceutical
20 Products, Inc. -- Boehringer Ingelheim
21 Pharmaceuticals, Inc. products?

22 A. I don't recall the exact date. It was in the
23 late '90s.

24 Q. And how many years in the late '90s did you
25 have this dual responsibility?

1 A. Approximately three. Two to three.

2 Q. Two to three years?

3 A. Correct.

4 Q. And were these generic drugs or brand drugs
5 or both?

6 A. On the BIPI side it was brand.

7 Q. What about on the Roxane side?

8 A. Primarily generic. There were a few branded
9 products.

10 Q. Was your position eliminated at Roxane?

11 A. No.

12 Q. Who filled your position?

13 A. Think who took over. Well, Steve Snyder
14 remained onboard. Debbie Kutner remained onboard. I
15 don't recall who else remained or was brought as part
16 of the Roxane team.

17 Q. And Steve and Debbie had essentially the same
18 title and job responsibility that you had at Roxane
19 before you left; is that correct?

20 A. Correct.

21 Q. So essentially you were asked by Roxane or
22 BIPI to move over to BIPI?

23 A. We were given an option.

24 Q. Who gave you that option?

25 A. I believe it was Rich Feldman.